STATE OF NEW YORK

8734--A

IN SENATE

March 5, 2024

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to requiring rear occupant alert systems in certain vehicles; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 58 to read as follows:

58. Rear occupant alert systems. It shall be unlawful for any person, firm, association or corporation to sell or offer for sale in this state a new passenger motor vehicle weighing less than ten thousand pounds gross vehicle weight which is to be registered in this state and which was manufactured or assembled one year or more after the date upon which the national highway traffic safety administration promulgates final regulations establishing standards for rear occupant alert systems, and designated as a vehicle for such model year or as a newer model year vehicle, unless such vehicle is equipped with a rear occupant alert system. For the purposes of this subdivision, "rear occupant alert system" shall mean a system to alert the operator to check rear-designated seating positions after the vehicle engine or motor is deactivated by the operator, and the term "passenger motor vehicle" shall include only those motor vehicles capable of being registered pursuant to subdivision six of section four hundred one of this chapter which have rear seats.

§ 2. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, or if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds, such judgment or written determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD14066-05-4

part thereof directly involved in the controversy in which such judgment or written determination shall have been rendered.

§ 3. This act shall take effect immediately; provided, however, that this act shall be deemed repealed if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds or any court of competent jurisdiction finally determines that this act would render New York state out of compliance with federal law or regulation; provided that the commissioner of motor vehicles or the commissioner of transportation shall notify the legislative bill drafting commission upon the occurrence of any federal agency determining in writing that this act would render New York state ineligible for the receipt of federal funds or any court of competent jurisdiction finally determines that this act would render New York state out of compliance with federal law or regulation in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.